UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,024	12/16/2005	Ronald Lynn Blair	PU030157	1894

24498   7590   04/29/2008

Joseph J. Laks
Thomson Licensing LLC
2 Independence Way, Patent Operations
PO Box 5312
PRINCETON, NJ 08543

EXAMINER
LUONG, ALAN H

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
04/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/561,024	BLAIR ET AL.
	Examiner	Art Unit	
	ALAN LUONG	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>16 December 2005</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-19</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>16 December 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>8/24/2007; 12/16/2005</u>.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   This is the initial Office Action based on the 10/561024 application filed on

December 16, 2005. Claims 1-19, as a 371 of PCT/US04/20635 filed on 06/28/2004,

which claims benefit of Provisional application # 60/482,632; filed on June 26, 2003; are

currently pending and have been considered below.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-7, 10-17, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US 2005/0028208 A1 published by Ellis et al. (Hereinafter Ellis); in

view of US 2002/0087580 A1 published by LaCroix et al. (Hereinafter LaCroix) .

       Regarding to claim 1: Ellis teaches steps involved in providing a user with

remote access to the parental control features of the local interactive television program

guide implemented on interactive television program guide equipment 17, by using

Remote program guide access device 24, for example, one or more access

communications sent over remote access link 19 to exchange the parental control

settings with interactive television program guide 17. The remote access program guide

may query the local interactive television program guide implemented on interactive

television program guide equipment 17 for directory information using one or more

access communications that are sent over remote access link 19; **see Ellis, Figs. 1, 17,**

¶0133, ¶0157, ¶0158, ¶0169) (a method for issuing a parental monitoring query

command for determining a media object being rendered on a remote device),

comprising the steps of:

"interactive television program guide equipment 17 transmits
video and audio to remote program guide access device 24 (**a media
object being received on a remote device**) over remote access link 19 in
any suitable format (e.g., as NTSC video, as MPEG-2 files, using
the M-bone, etc.), provide a user with the opportunity to poll
the local interactive television program guide to determine the
status of interactive television program guide equipment 17 or,
more specifically, user television equipment 22. (**a query requesting**)
The remote access program guide may also provide a user with the
opportunity to remotely access and adjust the parental control
settings of the local interactive television program guide
implemented on interactive television program guide equipment
17. The remote access program guide, for example, may provide
users with an opportunity to block potentially objectionable
programs or channels using a parental control code (e.g., a
personal identification number (PIN) code). Users my also
selectively unlock blocked channels or programs. If desired, the
user may remotely access parental control settings related to
blocking the display of potentially objectionable program
listings) **Ellis, Figs. 1, 5, ¶0120, ¶0135, ¶0136)**(identification information for a
media object).

However, Ellis explicitly fails to teach receiving information in response to said query

wherein said information indicates a multicast address and port which is used to

multicast said media object and resolving said multicast address and port information to

identify attributes of said media object.

 In the multicast service for promotion contents; LaCroix teaches: ("`receive the

`package containing typical data transmission parameters. Such`

`parameters include data rates, data transmission times, and`

`routing addresses, such multicast or broadcast port addresses`"

`(information indicates a multicast address and port which is`

`used to multicast said media object). "Furthermore, a package`

`includes a TRANSMISSION_GROUP_ID parameter that identifies the`

`transmission group`". **LaCroix; Fig. 3D**, **¶0041)(** receiving information); "`the`

`promotion group is resolved into transmission groups by an`

`internal database query resulting in a list of unique`

`transmission group identifiers corresponding to the various`

`types of end node devices within the promotion group`"; **¶0046, ¶0047)(**

in response to said query) .

LaCroix also teaches: "`Even functionally similar types of devices`

`(e.g., set top boxes) may differ with respect to certain`

`physical and functional device attributes. Such attributes may`

`include data storage capacity and the ability to receive`

`multicast transmissions using standard data protocols, such as`

`Transmission Control Protocol or Universal Data Protocol over`

`Internet Protocol (TCP/IP or UDP/IP) networks;`**¶0039)** "`the`

`promotion group is resolved into transmission groups by an`

`internal database query resulting in a list of unique`

`transmission group identifiers corresponding to the various`

`types of end node devices within the promotion group`"; **Fig. 3D step**

420, ¶0046) (resolving said multicast address and port information to identify attributes

of said media object.**)**

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine multicast service as taught by LaCroix with a remote access to the parental control features of Ellis; in order to allow user to identify the ID multicast address of the devices in multicast service when these devices are connected into network.

Regarding to claim 2: Ellis also teaches:" The remote access program guide may also provide the user with an opportunity to remotely access video and audio (either together or separately) that is being distributed to the local interactive television program guide or which has been stored by the local interactive television program guide on user television equipment 22 or at a remote server, for example, query the interactive television program guide for media directory information stored on digital storage device 31 or secondary storage device 32", **see Ellis, ¶0133).** "The remote access program guide may query the local interactive television program guide implemented on interactive television program guide equipment 17 for directory information using one or more access communications that are sent over remote access link 19" ; **see Ellis, ¶0169)** (The query is issued by a monitoring device, and said media object is rendered on said monitoring device).

Regarding to claim 3: LaCroix also teaches "The system includes a large number of set top boxes or network devices 10 connected to respective video displays 20, such as televisions"; **LaCroix; Fig. 1, ¶0026)** "promotions 30 are presented on electronic program guides, channel information bars 40, or overlaying video broadcast programming. Some active promotions that may be displayed on digital set top boxes allow user interaction such as linking to

e-commerce web-sites via hyperlink connections or direct
communication to a promotion server subsystem to obtain
additional software, such as device drivers, video games, or
other application software"; **LaCroix; Fig. 2, ¶0027)**. (monitoring device joins
a multicast group) each of the network devices 10 receives the package
information is read from the database 210 and used to create
customized transmission schedules wherein typical data
transmission parameters specified by a package according to one
embodiment. Such parameters include data rates, data
transmission times, and routing addresses, such multicast or
broadcast port addresses. Furthermore, a package includes a
TRANSMISSION_GROUP_ID parameter that identifies the transmission
group which is to receive the package; **LaCroix; Fig. 2, ¶0041)** (using said
received multicast address and port information to receive said media object.)

Regarding to claim 4: Ellis further teaches: "Remote program guide access
device 24 may communicate with user television equipment 22 over
remote access link 19 as shown in FIG. 2c. The user controls the
operation of user television equipment 22 with user interface
46. To access the features of the program guide, the user
instructs the program guide implemented on interactive
television program guide equipment 17 to generate a main menu or
other desired program guide display screen for display on
display device 45."**Ellis; Fig. 2c, ¶0074, Fig.4, ¶0089) (monitoring device)"** users
with an opportunity to block potentially objectionable programs
or channels using a parental control code (e.g., a personal
identification number (PIN) code). If desired, the user may
remotely access parental control settings related to blocking
the display of potentially objectionable program listings; **Ellis; Fig.**

3D, **¶0120**)(issues a command to kill the receipt of said media object by said remote device).

Regarding to claim 5: Ellis explicitly teaches "`a non-program-guide application that may be implemented on a set-top box in accordance with the present invention is an Internet browser, the Internet browser may have settings such as bookmarks, parental control settings, and general preferences that control how the browser functions, the set top box may provide the user with access to a browser application by displaying, for example, browser screen 700 of a remote access browser application. Browser screen 799 may have a bookmark option 705`"; **Ellis; Fig. 24, ¶0176)** (monitoring device is an Internet Protocol enabled set top box).

Regarding to claim 6: LaCroix teaches: "`a package specifies data transmission parameters. Such parameters include data rates, data transmission times, and routing addresses, such multicast or broadcast port addresses. Furthermore, a package includes a TRANSMISSION_GROUP_ID parameter that identifies the transmission group which is to receive the package. When a promotion is scheduled, the scheduling process determines TRANSMISSION_GROUP_ID by mapping promotion group identifiers into transmission group identifiers.`" **LaCroix; Fig. 2, ¶0041, ¶0042)**(wherein said monitoring device uses a channel list that maps said multicast address and port to a channel) .

Regarding to claim 7: Ellis also teaches: "`a program guide application run on typical user television equipment may be a set-top box, a videocassette recorder connected to the set-top box for recording television programs, and a television on which the program guide application may display various program guide`

display screens and the non-program-guide applications may
display various non-program-guide display screens. Other
suitable types of user television equipment may be based on
personal computer televisions (PC/TVs) or advanced television
receivers such as high-definition television (HDTV) receivers";
Ellis; Fig. 24, ¶0022) (wherein a program guide is used to select media objects
transmitted) combines with LaCroix teaches:" To initiate a transmission of
promotion packages, the promotion manager server 220 extracts a
set of promotion packages from the database 210 and converts
each into a transmission request that is sent to one or more of
the bulk data servers 230. The bulk data server 230 fetches the
promotions from the database 210 that are identified in the
transmission request message, and transmits them via multicast
or broadcast transmission". **LaCroix; ¶0036, ¶0079)** (the media objects
transmitted via a multicast media object corresponding to said channel)(LaCroix).

Regarding to claim 10: Ellis further teaches "The remote access program guide
runs on a remote program guide access device 24(the remote device);
may also provide the user with an opportunity to remotely access
video and audio (either together or separately) that is being
distributed to the local interactive television program guide or
which has been stored by the local interactive television
program guide on user television equipment 22 or at a remote
server; for example, query the interactive television program
guide for media directory information stored on digital storage
device 31 or secondary storage device 32"; **¶0133)**(requesting a browser
history log file) "the remote access program guide may obtain video or
audio information from the interactive television program guide
implemented on interactive television program guide equipment 17
via remote access link 19 and may query the local interactive

television program guide implemented on interactive television program guide equipment 17 for directory information using one or more access communications that are sent over remote access link 19". FIG. 21, **¶0168, ¶0169)** "Remote program guide access device 24 and interactive television program guide equipment 17 may communicate over remote access link 19 using any suitable network and transport layer protocols, if desired. Remote program guide access device 24 and interactive television program guide equipment 17 may communicate, for example, using a protocol stack which includes Sequenced Packet Exchange/Internetwork Packet Exchange (SPX/IPX) layers, Transmission Control Protocol/Internet Protocol (TCP/IP) layers, Appletalk Transaction Protocol/Datagram Delivery Protocol (ATP/DDP) layers, or any other suitable network and transport layer protocols or combination of protocols"; **Fig. 1, ¶0095)**. (the IP addresses of media objects accessed by said remote device).

Regarding to claim 11: Ellis further teaches the remote program guide access device 24 may be any suitable personal computer (PC), portable computer (e.g., a notebook computer), palmtop computer, handheld personal computer (H/PC), display remote, touch-screen remote, automobile PC, personal digital assistant (PDA), or other suitable computer based device; **Fig. 5, ¶0092)** (remote device is a personal computer).

Regarding to claims 12-15, 16-17, and 19: Ellis and LaCroix disclose all claim limitation wherein the apparatus is implemented using the "method" of Ellis and LaCroix; see discussion in claims **1- 4, 6-7 and 10** respectively above.

4.   Claims 8, 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2005/0028208 A1 published by Ellis et al. (Hereinafter Ellis) and US

2002/0087580 A1 published by LaCroix et al. (Hereinafter LaCroix); in view of US

2002/0078441 A1 published by Drake et al.(hereinafter Drake) and further in view of

"Request For Comments 3266; Updates 2327, Network Working Group, June 2002)

published by Olson et al.(hereinafter Olson)

Regarding to claim 8: Neither Ellis nor LaCroix teaches the media object is transmitted

as part of an Internet Group Management compatible protocol multicasting service and

program identification information is available for said media object as part of a Session

Description compatible protocol.

Drake, in the same field IP multicast service for real-time audience monitoring; teaches

interaction event information will be sent using a lower-overhead but unreliable

transportation mechanism, such as UDP/IP and/or the Internet Group Membership

Protocol (IGMP) (the media object is transmitted as part of an Internet Group

Management compatible protocol multicasting service); see Drake, **¶0028**). It would

have been obvious to a person of ordinary skill in the art at the time of the invention to

include the Internet Group Membership Protocol (IGMP) as taught by Drake with

multicast service with parental monitoring features of Ellis and LaCroix; in order to

monitor audience rating directly from software without extra monitoring devices or

manual operations from service providers.

   However, Neither Ellis and LaCroix nor Drake teaches program identification

information is available for said media object as part of a Session Description

compatible protocol.

Olson; in the "Support for IPv6 in Session Description protocol (SDP)" teaches IPv6

addresses when used within a URL; **Olson; pages 1-3**) (program identification

information is available for said media object as part of a Session Description

compatible protocol). It would have been obvious to a person of ordinary skill in the art

at the time of the invention to modify the Internet Group Membership Protocol (IGMP)

as taught by Drake combined multicast service with parental monitoring features of Ellis

and LaCroix with IPv6 addresses in SDP as taught by Olson; in order to connect and

monitor audience rating directly from updates software as IPv6 addresses without extra

monitoring devices or manual operations from service providers.

Regarding to claim 9: Drake teaches interaction event information will be sent using a

lower-overhead but unreliable transportation mechanism, such as UDP/IP and/or the

Internet Group Membership Protocol (IGMP) (the media object is transmitted as part of

an Internet Group Management compatible protocol multicasting service); see Drake,

¶0028) (resolving step uses IGMP data); Ellis also teaches the Program guide server 25

may be any suitable software, hardware, or combination thereof for providing a client-

server based program guide as a middleware server; Ellis, Figs. 2c, 2d, **¶0073- ¶0075,**

¶0077¶0098, ¶0073, Fig. 6c, ¶0101).

Regarding to claim 18: Ellis, LaCroix, Drake and Olson disclose all claim limitation

wherein the apparatus is implemented using the "method" of Ellis, LaCroix, Drake and

Olson; see discussion in claim **8** above.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ALAN LUONG whose telephone number is (571)270-

5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/
Examiner, Art Unit 2623

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623